

18960. Adulteration and misbranding of almond oil. U. S. v. Eighteen 1-Gallon Cans of Almond Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27095. I. S. No. 38411. S. No. 5314.)

Samples of the product herein described having been found to consist wholly or in large part of oil or oils other than almond oil, the Secretary of Agriculture reported the matter to the United States attorney for the District of Puerto Rico.

On or about October 23, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of eighteen 1-gallon cans of almond oil at San Juan, P. R., alleging that the article had been shipped on or about July 11, 1931, by R. Fabien & Co. (Inc.), New York, N. Y., to San Juan, P. R., that it was being sold and offered for sale in Puerto Rico by the Sociedad Cooperativa Farmaceutica de Puerto Rico, San Juan, P. R., and that it was adulterated and misbranded in violation of the food and drugs act. The article was labeled in part: "Imitation * * * U. S. Standard * * * Imitation Pure Almond Oil Aceite De Almendras Comercial * * * Wm. McDonagh & Sons. * * * New York, U. S. A. Maxon Brand." The English word "Imitation" was rubber stamped on the label, but the main descriptive portion of the label, namely "Acetite De Almendra Comercial [Commercial Oil of Almonds]," appeared in Spanish.

Analysis of a sample of the article by this department showed that it consisted essentially of a fatty oil such as corn oil or a mixture of oils other than almond oil.

It was alleged in the libel that the article was adulterated in that its strength and purity fell below the professed standard or quality under which it was sold, namely, "Aceite De Almendras," since it was not almond oil.

Misbranding was alleged for the reason that the statement, "Aceite De Almendras," borne on the label, was false and misleading; and for the further reason that the article was an imitation of another article, namely, almond oil.

On November 28, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18961. Misbranding of lithiated sorghum compound. U. S. v. 9% Dozen Bottles of Lithiated Sorghum Comp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27061. I. S. No. 38321. S. No. 5280.)

Examination of a drug product, known as lithiated sorghum compound, from the shipment herein described having shown that the carton label and accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On October 10, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 9% dozen bottles of lithiated sorghum compound, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Sharp & Dohme (Inc.), from Philadelphia, Pa., on or about September 5, 1931, and had been transported from the State of Pennsylvania into the State of New York, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted of lithium benzoate (0.4 gram per 100 milliliters), lithium citrate (2.8 grams per 100 milliliters), extracts of plant drugs including hydrangea, alcohol, sugar, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "For the treatment of acute and chronic cystitis, nephritic colic, pyelitis, irritable bladder, uric acid diathesis, rheumatism, gout and dropsy;" (circular) "This product has been effectively employed in cases of difficult micturition and irritability of the bladder occasioned by hyperacidity of the urine. In that form of incontinence of urine due to atony of the